

On September 6, 1932, no claimant having appeared for the property, judgment of condemnation was entered and was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19884. Misbranding of Eucaline, regular, and Eucaline, tasteless. U. S. v. 34 Bottles of Eucaline Regular, et al. Default decrees of condemnation, forfeiture, and destruction. (Nos. 7129-A, 7130-A, F. & D. Nos. 28466, 28467.)**

Examination of the drug preparation Eucaline, regular, one of the products covered by this case, disclosed that the labeling bore claims of curative effects in certain diseases for which cinchona derivatives are customarily prescribed, and that the article contained an insufficient amount of the said cinchona derivatives to cure such ailments when used according to directions, viz, 4 teaspoonfuls three times a day, before or after meals. The labels of the article bore further unwarranted curative and therapeutic claims. The labels of the product known as Eucaline, tasteless, also bore unwarranted curative and therapeutic claims; it contained less acetanilid than labeled; and it was also labeled as containing no dangerous medicine, whereas the acetanilid present was a heart depressant, which might be dangerous.

On July 28, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 34 bottles of Eucaline, regular, and 34 bottles of Eucaline, tasteless, at Dallas, Tex., alleging that the articles had been shipped in interstate commerce on or about May 24, 1932, by the Vicksburg Chemical Co., from Vicksburg, Miss., into Dallas County, Tex., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Eucaline, regular, consisted essentially of salts of cinchona alkaloids (quinidine and cinchonine) 1 grain per 100 millimeters, ferric chloride, traces of capsicum extract, a bitter resin, methyl salicylate, and eucalyptus oil, alcohol, sugar, and water; and that the Eucaline, tasteless, consisted essentially of cinchona alkaloids (quinidine and cinchonine) 1.43 grams per 100 milliliters, acetanilid 2.1 grains per fluid ounce, a trace of eucalyptol, sugar, and water.

It was alleged in the libel filed with respect to the Eucaline, regular, that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle) "Directions \* \* \* Regular dose for adults 2 teaspoonfuls; child 7 to 8 years old, 1 teaspoonful; child 1 to 3 years old one-half teaspoonful. Take in a little water three times a day, before or after meals. To stop Chill and Fever Double the regular dose and take every 4 hours. After Chills have stopped return to the regular dose and take for the blood and as a restorative tonic three times a day. For La Grippe and Bad Cold; (carton) "An excellent remedy for Malaria, Chills and Fever, Dumb Chills, Enlarged Spleen, Bad Colds, etc. And as an Anti-malarial \* \* \* for general debility, caused by Malaria weakening the blood and system, \* \* \* if it fails to Break One case of Chills and Fever \* \* \* Is a combination of Liver, Blood and Anti-Malarial Properties. It readily relieves Fever and Chills after other remedies have failed. \* \* \* Great For Chills And Fevers. A Fine Blood and Liver Tonic. Directions Shake the bottle before using Dose—For Adults, 2 teaspoonfuls. Child, 7 to 8 years old, 1 teaspoonful. Child 1 to 3 years old, one-half teaspoonful. To stop Chills and Fevers double above dose and take every 4 hours in a little water. After Chills have stopped return to regular dose and take as a restorative tonic 3 times a day, before or after meals. For LaGrippe and Bad Colds, take in double doses every 4 hours until bowels are acted on well;" (circular) "A wonderful remedy for malaria, chills and fever. For bad colds and what is termed Lagrippe in our Southern country. \* \* \* [Testimonials] 'A great remedy for chills and fever, \* \* \* it is a great remedy for chills.' \* \* \* 'I recommend Eucaline highly for malaria and chronic chills and fever. \* \* \* Have never been sick or had a chill after starting in on Eucaline. I don't believe it can be beat for a \* \* \* liver tonic.' \* \* \* 'One of the best chill medicines we have ever used.' \* \* \* think there is nothing like it for chills and fever. When our oldest child (now nine years old) was one and one-half years old she had three chills and five fevers every two weeks, and nothing that we or our family doctor did could stop them. A friend recommended Eucaline, and we began using it, and she didn't take one bottle before she was all right. We

always use it now with great success, and I never get tired recommending it to my friends as the very best remedy for chills and fever.' \* \* \* 'We have used Eucaline in our family for two years and found it to be one of the best chill and fever cures we have ever used.' \* \* \* 'the best chill medicine we have ever tried.' \* \* \* 'We have been giving your Eucaline to our little girl for chills.' \* \* \* 'a fine medicine for chills and fever.' \* \* \* 'We have been using Eucaline for some time and have found it to be all O.K. for checking and curing chills and fever; also lagrippe.' \* \* \* 'It is the best I have tried for chills and fever' \* \* \* 'I have used Eucaline for chills and fever with success.' \* \* \* 'I think it is the best medicine we can get for chills and keep them off.' \* \* \* 'it is the best chill medicine that I have ever used. It is the only chill tonic that we use now.' \* \* \* 'We have used Eucaline for chills and fever and find it a sure remedy. My little sister is taking it for chills now.' \* \* \* 'I think it is as good a chill tonic as can be bought.' \* \* \* 'Eucaline is the leading chill and fever remedy in this locality.' \* \* \* 'I broke the fever with it several years ago.' \* \* \* 'It is the only sure remedy for chills, fever and lagrippe that I have found.' \* \* \* 'It is a great remedy for \* \* \* lagrippe, and chills.' \* \* \* 'I find it to be a great remedy for chills and fever; \* \* \* 'Eucaline is the greatest chill and fever remedy ever introduced in this country.' \* \* \* 'I have used your Tonic for chills and fever, and also for bad colds.' Misbranding was alleged with respect to the Eucaline, tasteless, for the reason that the following statements regarding its curative and therapeutic effects, were false and fraudulent: (Bottle) "Take every 3 hours to stop \* \* \* LaGrippe. \* \* \* to strengthen the system;" (carton) "An Improved Remedy for \* \* \* Fevers \* \* \* Is a most excellent remedy in cases of LaGrippe and Bad Colds. Acts mildly on the Liver \* \* \* Restorative \* \* \* Take every 3 hours to stop \* \* \* LaGrippe. \* \* \* to strengthen the system;" (circular) "For bad colds and what is termed LaGrippe in our Southern country. \* \* \* [Testimonials] 'I don't believe it can be beat for a \* \* \* liver tonic.' \* \* \* 'We have been using Eucaline for some time and have found it to be all O.K. for checking and curing \* \* \* lagrippe.' \* \* \* 'it is the only sure remedy for \* \* \* lagrippe \* \* \* 'It is a great remedy for \* \* \* lagrippe \* \* \* 'I have used your Tonic for \* \* \* bad colds, and I think it is unexcelled.'" Misbranding of the said Eucaline, tasteless, was alleged for the further reason that the statement "Acetanilid 3 grains to each fluid ounce," borne on the bottle and carton labels, was false and misleading, since the article contained a considerably smaller proportion of acetanilid, to wit, approximately 2½ grains per fluid ounce. Misbranding of the said Eucaline, tasteless, was alleged for the further reason that the statement "Free from Dangerous Medicine," borne on the carton, was false and misleading, since the article contained acetanilid, a dangerous medicine.

On September 28, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19885. Misbranding and alleged adulteration of fluidextract of ginger. U. S. v. 9 Dozen Bottles of Extract of Ginger. Default decree of condemnation and destruction. (F. & D. No. 28239. I. S. No. 21116. S. No. 6105.)**

This action involved the interstate shipment of a quantity of fluidextract of ginger which fell below the standard prescribed by the United States Pharmacopoeia, containing castor oil and little, if any, material derived from ginger. The label of the article bore unwarranted curative and therapeutic claims.

On April 30, 1932, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine dozen bottles of extract of ginger, in possession of the transportation company at Fayetteville, N. C., alleging that the article had been shipped in interstate commerce on or about April 21, 1930, by the DeLuxe Packing Co., Brooklyn, N. Y., consigned to Conway, S. C., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fluid Extract of Ginger, U.S.P."

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Fluid Extract of Ginger, U.S.P.," was false and mis-